GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – M.A.&U.D. Department - Allegation of corruption in execution of a civil work pertaining to construction of 928 houses Units) in 29 block in G+3 patterns in Survey No.21 at Paradesipalem under JNNURM Scheme in GVMC., Visakhapatnam City by the Engineering Officials of GVMC, Visakhapatnam in collusion with the Contractor – Certain irregularities committed by Sri A. Uma Maheswara Rao, the then Superintendent Engineer - Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Article of Charges - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 614 **Dated: 23-09-2019.**

Read:-

G.O.Rt.No.611, M.A. & U.D. (Vig.I) Dept., dated: 23.09.2019.

O R D E R:

It is proposed to hold an inquiry against the said Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is directed to submit his written statement of his defense within (10) days from the date of receipt of this order.

4. Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that above Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To

Sri A. Uma Maheswara Rao, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam **(Through the Engineer-in-Chief, Public Health, A.P., Guntur).**

(PTO)

The Engineer-in-Chief, Public Health, A.P., Guntur.

Copy to:

The Commissioner, GVMC., Visakhapatnam.
The Director General, Anti Corruption Bureau, AP, Vijayawada
The Secretary to A.P.Vigilance Commission, 5th Building, A.P. Secretariat.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-I to G.O.Rt.No. 614 , M.A.&U.D.(Vig.I)
Dated: 23.09.2019.

Statement of Articles of Charges framed against Sri A. Uma Mahaswara Rao, S/o. Nagoji Rao, the then Superintending Engineer, GVMC., Visakhapatnam

That Sri A. Uma Maheswara Rao, S/o Nagoji Rao joined in government service on 10.04.1987 as Dy. Executive Engineer and while working as Superintending Engineer, GVMC, Visakhapatnam from 12.07.2012 to September 2014 committed grave misconduct in as much as.

Charge-1

That Sri A. Uma Maheshwara Rao while working as Superintending Engineer, GVMC, Visakhapatnam had initiated the proposals for release of security deposit on 27.07.2013 under his competence without completion of entire work, which is contrary to clause 25 of G.O.Ms.No.94/I&CAD(PW-COD).

Charge-2

That Sri A. Uma Maheswara Rao while working as Superintending Engineer, GVMC, Visakhapatnam failed to issue necessary directions to his subordinate officials in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

Thus, Sri A. Uma Maheswara Rao, S/o Nagoji Rao, Superintending Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rules 3 (1) (2) & (5) of A.P. Civil Services (Conduct) Rules, 1964.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

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SECTION OFFICER

Annexure-II to G.O.Rt.No.614 , M.A. & U.D.(Vig.I)
Dated: 23.09.2019.

Statement of Imputation in support of Charges framed against Sri A. Uma Mahaswara Rao, S/o. Nagoji Rao, the then Superintending Engineer, GVMC., Visakhapatnam

That Sri A. Uma Maheswara Rao, S/o. Nagoji Rao is native of Tadiparthi, Ananthapur district. His date of birth is 14.08.1960 and he joined in government service on 10.04.1987 as Dy. Executive Engineer and worked as such West circle, Hyderabad till 31.03.1991, from 01.04.1991 to 14.03.1994 worked as Dy.EE in MCH, Hyderabad, from 15.03.1994 to 15.10.1994 worked as EE, CERP Division, Vijayawada, from 16.10.1994 to 23.10.2008 worked as EE at MCH, Hyderabad, Kukatpally Municipality, Nellore Division and Suryapet Municipality. On 24.10.2008, he promoted as SE and worked at kadapa Municipal Corporation. Sri A. Uma Maheswara Rao is working as SE in GVMC, Visakhapatnam from 12.07.2012 to September 2014. He is drawing a basic pay of Rs. 53,060/-. He is due to retire on attaining the age of superannuation on 31.08.2020. He is here-in-after referred – to – as Government Servant.

A Regular Enquiry was conducted into the allegations of irregularities and corruption in execution of construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 in Paradesipalem under Jawaharlal Nehru National Urban Renewal Mission (JNNURM) scheme in GVMC, Visakhapatnam against Engineering officials of GVMC, Visakhapatnam. Basing on the Regular Enquiry report dt:05.08.2014 of DSP ACB., Visakhapatnam Range requested to accord permission to register a regular case others, the DG, ACB, AP, Hyderabad vide memo in C.No.11/RE-WVP/2014, dtd. 08.08.2014, permitted the DSP, ACB Visakhapatnam, who registered a case in Cr.No.21/ACB-VSP/2014 U/s 409, 120-B IPC r/w 109 IPC and Sec. 13 (1) (c) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 of ACB Visakhapatnam Range on 08.08.2014 and took up investigation.

Charge -1

That Sri A. Uma Maheswara Rao while working as Superintending Engineer, GVMC, Visakhapatnam he released security deposit on 27.07.2013 under his competence without completion of entire work, which is contrary to clause 25 of G.O.Ms.No.94/I&CAD (PW-COD).

During the course of investigation on perusal of seized files / registers and on 06.07.2015 during joint inspection conducted by the DSP and Sri Durga Prasad, Chief Engineer and Sri M. Venkata Rao, Asst., Executive Engineer of GVMC, Visakhapatnam of the construction of 928 houses at Paradesipalem in Sy.No.21 by the DSP, ACB, Chief Engineer, it is found that the work i.e, the Sintax water tanks which were not installed by the contractor Sri K.V. Mohana Rao who took up construction. It is found that he had recommended for release of the security deposit without completion of work. It is contradictory to the recording in Page No.85 of MB 1561/08-09 and to the noting on page No.31 of note file No.2 in which the completion date was recorded as 29.05.2010 and 31.03.2010 respectively with the total value of work done for Rs.15,31,19,958/- to the fullest sanctioned amount in sheet No. 31 of file No.2 and the same was brought on record. The component of work i.e. providing syntax water tanks was not executed at all by the agency. This was also in agreement with the note dated 12.01.2014 of the Commissioner, GVMC in which it was stated that work is yet to be completed. Without completion of the work, the defect liability period of 2 years does not arise. If the work was fully completed and defect liability period of 2 years was also passes, security deposit of Rs. 1,10,70,806/- were released on 27.07.2013 without actual completion of work itself and is contrary to the clause 25 of G.O.Ms.No.94/I&CAD(PW-COD) Department, dt.01.07.2003. The Explanation served on AO-5 but he did not submit his explanation.

(PTO)

The Government Servant had recommended for release of security deposits even though the work is not completed, which is contrary to clause 25 of G.O.Ms.No.94/I&CAD (PW-COD) Department, dtd:01.07.2003. The water tanks in agreement item No.80 of Rs.3,48,000/- was also utilized in making paying towards price escalation without verifying the liquidated damages.

Thus, the Government Servant had released the security deposit to the contactor without completion of work contrary to clause 25 of GO.Ms.No.94 dtd. 01.07.2003 in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Charge-2

The Government servant failed to issue necessary directions to his subordinate engineering officials who had initiated for releasing security deposit without completion of work. Thus, he connived with his subordinate engineering officials and recommend for release of security deposit without completion of work and caused benefit to the contractor and thereby loss to the Government exchequer.

The Government Servant not to release security deposit without completion of the work in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials and caused benefit to the contractor and thereby loss to the Government exchequer.

Thus, the Government Servant Sri A. Uma Maheswara Rao, S/o Nagoji Rao, former Superintending Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rules 3 (1),(2) & (5) of A.P. Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

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SECTION OFFICER

Annexure-III to G.O.Rt.No. 614 , M.A. & U.D.(Vig.I)
Dated: 23.09.2019.

List of witnesses for charge-1:

1) Sri Nimmadi Durga Prasad, S/o. Pydithalli, Chief Engineer, GVMC, Visakhapatnam. He speaks about the contents of letter dtd. 12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd. 06.07.2015 etc facts.

2) Sri M. Venkata Rao, Asst. Executive Engineer of GVMC, Visakhapatnam. He speaks about the contents of Joint Inspection report dtd. 06.07.2015 at 928 houses at Paradesipalem etc facts.

3) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd. Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc. facts.

4) Sri M. Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.

5) Sri K.V. Ramakrishna Prasad, Dy. Supdt. of Police, ACB, Visakhapatnam Range.

List of witnesses for charge-2:

1) Sri Nimmadi Durga Prasad, S/o. Pydithalli, Chief Engineer, GVMC, Visakhapatnam. He speaks about the contents of letter dtd 12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd 06.07.2015 etc facts.

2) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd. Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts.

3) Sri M. Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.

4) Sri K.V. Ramakrishna Prasad, Dy. Supdt. of Police, ACB, Visakhapatnam Range.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

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SECTION OFFICER

Annexure-IV to G.O.Rt.No.614 , M.A. & U.D.(Vig.I)
Dated: 23.09.2019.

List of Documents for Charge-1&2

1. F.I.R. copy in Cr.No.21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.

2. Letter in C.No.11/RE-WVP/Engg. Wing/2014, dtd. 05.08.2014 of Sri M. Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB, AP., Hyderabad containing 10 sheets.

3. Letter dtd. 12.06.015 of Sri Nimmadi Durga Prasad, S/o. Pydithalli, Chief Engineer, GVMC, Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.

4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms No.94, dt 16.04.2008 r/w GO No.35, dtd. 21.03.2009 – 07 sheets.

5. Page No.85 of MB 1561/2008-09

6. Page No. 31 of note file No. 2

7. Clause 25 of G.O.Ms.No. 94/I&CAD(PW-COD) Department, dt.01.07.2003

8. Joint Inspection report dtd. 06.07.2015 conducted at construction of 928 houses at Paradesipalem in Sy. No. 21 by the DSP, ACB, Chief Engineer and Asst. Executive Engineer of GVMC, Visakhapatnam – 1 sheet

9. Sheet No. 22 & 31 in file No.2 – A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy. No. 21 containing 1 to 31 sheets.

10. If any documents are required at the time of enquiry to be submitted.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

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SECTION OFFICER